

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA,

Plaintiff,

v.

SMALL SMILES HOLDING CO., LLC,

Defendant/Third-Party Plaintiff,

v.

AFFINITY INSURANCE SERVICES, INC.,

Third-Party Defendant.

Civil Action No. 3:10-cv-00743

Chief Judge Todd J. Campbell

Mag. Judge Juliet Griffin

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE OF  
COUNT I OF SMALL SMILES  
HOLDING CO., LLC'S  
COUNTERCLAIM**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for Plaintiff National Union Fire Insurance Company of Pittsburgh, PA and Defendant/Third-Party Plaintiff Small Smiles Holding Co., LLC ("SSHC"), that Count I [Violation of Tennessee Consumer Protection Act] of SSHC's Counterclaim filed on October 28, 2010 in this action shall be dismissed with prejudice and without costs to any party.

This stipulation may be signed in counterparts, or a facsimile signature shall be deemed original for the purposes of this stipulation.

Dated: Nashville, Tennessee  
May 17<sup>th</sup>, 2011

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SO ORDERED.



CHIEF JUDGE TODD J. CAMPBELL